

EXHIBIT A

Best Case - Wages Owed to Ernesto Hernandez 12-CV-1402

| Time Period Worked | No. of Weeks | Rate of Pay | OT Rate of Pay | Hours Worked Per Week | Weekly Regular Pay Earned (40 hours) | Weekly OT Pay Earned | Amount Actually Paid | Amount Owed | Amount Owed Multiplied by No. of Weeks | 100% Liquidated Damages under the FLSA | 25% Liquidated Damage under the NYSLL | 100% Liquidated Damages under the NYSLL effec. 4/12/11 |
|--------------------------------|--------------|-------------|----------------|-----------------------|--------------------------------------|----------------------|----------------------|-------------|--|--|---------------------------------------|--|
| March 2008-March 2009 | 49 | \$7.15 | \$ 10.73 | 42.5 | \$286.00 | \$26.81 | \$250.00 | \$62.81 | \$3,077.81 | - | \$ 769.45 | - |
| February 2009-April 2009 | 8 | \$7.15 | \$ 10.73 | 42.5 | \$286.00 | \$26.81 | \$250.00 | \$62.81 | \$502.50 | \$502.50 | \$ 125.63 | - |
| April 2009-July 24, 2009 | 16 | \$7.15 | \$10.73 | 44 | \$286.00 | \$42.90 | \$300.00 | \$28.90 | \$462.40 | \$462.40 | \$ 115.60 | - |
| July 24, 2009-Dec. 2010 | 32 | \$7.50 | \$11.25 | 44 | \$300.00 | \$45.00 | \$300.00 | \$45.00 | \$1,440.00 | \$1,440.00 | \$ 360.00 | - |
| February 2010-December 2010 | 43 | \$7.50 | \$11.25 | 44 | \$300.00 | \$45.00 | \$300.00 | \$45.00 | \$1,935.00 | \$1,935.00 | \$ 483.75 | - |
| January 2011 - April 9, 2011 | 13 | \$8.75 | \$13.13 | 44 | \$350.00 | \$52.50 | \$350.00 | \$52.50 | \$682.50 | \$682.50 | \$ 170.63 | - |
| April 9, 2011 - September 2011 | 26 | \$8.75 | \$13.13 | 44 | \$350.00 | \$52.50 | \$350.00 | \$52.50 | \$1,365.00 | \$1,365.00 | - | \$1,365.00 |
| | 187 | | | | | | | | \$9,465.21 | \$6,387.40 | \$2,025.05 | \$1,365.00 |
| GRAND TOTAL | | | | | | | | | | | | \$19,242.67 |

Assumes time and a half method of calculating overtime.

Assumes an award of concurrent liquidated damages under FLSA and NYSLL.

Assumes failure to pay wages is willful; therefore Plaintiff receives three (3) years of liquidated damages.

EXHIBIT B

Defendants Win Legal Issues - Wages Owed to Ernesto Hernandez 12-CV-1402

| Time Period Worked | No. of Weeks | Rate of Pay | OT Rate of Pay | Hours Worked Per Week | Weekly Regular Pay Earned (40 hours) | Weekly OT Pay Earned | Amount Actually Paid | Amount Owed | Amount Owed Multiplied by No. of Weeks | 100% Liquidated Damages under the FLSA | 25% Liquidated Damage under the NYSLL | 100% Liquidated Damages under the NYSLL effec. 4/12/11 |
|--------------------------------|--------------|-------------|----------------|-----------------------|--------------------------------------|----------------------|----------------------|-------------|--|--|---------------------------------------|--|
| March 2008-March 2009 | 49 | \$7.15 | \$ 10.73 | 42.5 | \$286.00 | \$26.81 | \$250.00 | \$62.81 | \$3,077.81 | | \$ 769.45 | - |
| February 2009-April 2009 | 8 | \$7.15 | \$ 10.73 | 42.5 | \$286.00 | \$26.81 | \$250.00 | \$62.81 | \$502.50 | | \$ 125.63 | - |
| April 2009-July 24, 2009 | 16 | \$7.15 | \$10.73 | 44 | \$286.00 | \$42.90 | \$300.00 | \$28.90 | \$462.40 | | \$ 115.60 | - |
| July 24, 2009-Dec. 2010 | 32 | \$7.50 | \$11.25 | 44 | \$300.00 | \$45.00 | \$300.00 | \$45.00 | \$1,440.00 | | \$ 360.00 | - |
| February 2010-December 2010 | 43 | \$7.50 | \$11.25 | 44 | \$300.00 | \$45.00 | \$300.00 | \$45.00 | \$1,935.00 | \$1,935.00 | | |
| January 2011 - April 9, 2011 | 13 | \$7.95 | \$11.93 | 44 | \$318.18 | \$15.91 | \$350.00 | \$0.00 | \$0.00 | \$0.00 | | |
| April 9, 2011 - September 2011 | 26 | \$7.95 | \$11.93 | 44 | \$318.18 | \$15.91 | \$350.00 | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| | 187 | | | | | | | | \$7,417.71 | \$1,935.00 | \$1,370.68 | \$0.00 |
| GRAND TOTAL | | | | | | | | | | | | \$10,723.39 |

Assumes Fluctuating Work Week method of calculating overtime.

Assumes a denial of concurrent FLSA and NYSLL liquidated damages.

Assumes failure to pay wages is not willful; therefore Plaintiff receives two (2) years of liquidated damages.

The calculation assumes that Mr. Hernandez will prevail on the issue of number of hours worked per week.

EXHIBIT C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|--|----------|-----------------------------|
| ----- | X | AFFIDAVIT OF ERNESTO |
| ERNESTO HERNANDEZ | : | HERNANDEZ |
| | : | |
| PLAINTIFF | : | INDEX NO. 12-CV-1402 |
| | : | (PKC) |
| | : | |
| - against - | : | |
| | : | |
| KALMAN TABAK, ABRAHAM FINKELSTEIN,: | : | |
| Individually and NEW HOPE FUND LLC d/b/a | : | |
| 1195 S HERMAN AVE. LLC d/b/a 1056 | : | |
| BOYNTON AVE. LLC | : | |
| DEFENDANTS. | : | |
| ----- | X | |

ERNESTO HERNANDEZ debidamente juramentado, declara y dice:

1. Yo soy el demandante en el asunto referenciado arriba.
2. En numerosas ocasiones, he hablado con mi abogado, Delmas A. Costin, Jr., y yo entiendo que él calcula que yo estaba mal pagado hasta \$ 9,465.21.
3. También entiendo que yo podría recibir hasta \$ 9,777.45 en daños y perjuicios por mis empleadores no pagarme mi salario completo.
4. Con base en estimaciones de mi abogado, entiendo que el valor de este caso es de hasta \$ 19,242.67.
5. También entiendo que la cantidad posible de la solución podría ser tan bajo como \$0.00. Mi abogado me ha informado esta es una posibilidad muy remota.
6. Al final, la cantidad de dinero que puedo recibir depende de lo que el tribunal decida y cómo la evidencia es visto por un jurado.
7. Como resultado de la inseguridad, creo que está en mis mejor intereses para resolver este caso ahora.
8. Además, quiero ir a Albany, Nueva York tan pronto como sea posible con mi esposa y

comenzar una nueva vida. Necesito los fondos de este caso para dejar la ciudad de Nueva York. No quiero esperar más y litigar este caso. Yo no quiero llevar este caso a juicio. Simplemente quiero dejar la ciudad de Nueva York.

9. Está en mis mejor intereses detener inmediatamente litigio para poder seguir adelante con mi vida.

10. Tomé esta decisión por mi cuenta.

11. Entiendo que el caso se resolvió por \$ 11,000.00, el cual es inferior al valor estimado de mi abogado del caso.

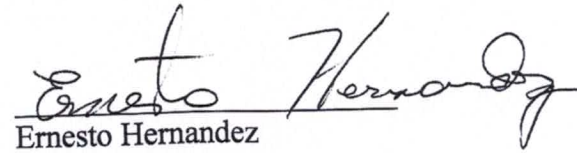
12. Estoy dispuesto a renunciar a la totalidad del valor del caso para poder utilizar los fondos de este caso y trasladarse a Albany tan pronto como sea posible.

13. Estuve de acuerdo en pagar mi abogado 1/3 del valor de liquidación de este caso.

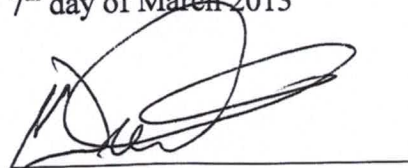
Entiendo que al establecerse en este tiempo, he reducido mi capacidad para obtener los honorarios del abogado de los acusados. Como resultado de ello, estoy dispuesto a pagar mi abogado \$ 3, 666.67 como honorarios de abogados y un adicional de \$ 350 para los honorarios de presentación asociados a esta queja. Entiendo que recibiré un cheque por \$ 6,983.33.

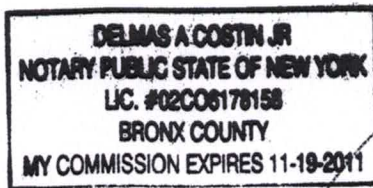
14. Pido a la corte que acepte los términos propuestos en el acuerdo de solución y me permiten seguir adelante con mi vida.

Fecha: 7 Marzo 2013
Bronx, NY


Ernesto Hernandez

Sworn to before me on this
7th day of March 2013


Notary Public



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ERNESTO HERNANDEZ

PLAINTIFF

- against -

KALMAN TABAK, ABRAHAM FINKELSTEIN,
Individually and NEW HOPE FUND LLC d/b/a
1195 SHERMAN AVE. LLC d/b/a 1056
BOYNTON AVE. LLC

DEFENDANTS.
----- X

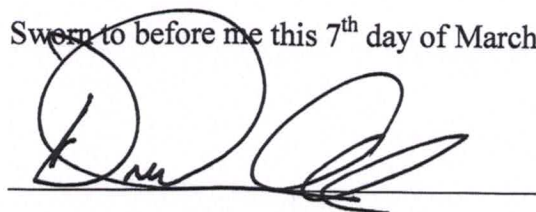
AFFIDAVIT OF
TRANSLATION
INDEX NO. 12-CV-1402
(PKC)

ISALICE ACEVEDO, being duly sworn deposes and says: that I am fluent in both English and Spanish; that I have translated the Affidavit of Ernesto Hernandez duly sworn to on the 7th day of March 2013 into the Spanish language, and that I certify that this translation is accurate to the best of my knowledge.

Isalice Acevedo

ISALICE ACEVEDO

Sworn to before me this 7th day of March 2013



Notary Public



EXHIBIT D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|--|----------|---|
| ----- | X | AFFIDAVIT OF ERNESTO HERNANDEZ |
| ERNESTO HERNANDEZ | : | |
| | : | INDEX NO. 12-CV-1402 |
| PLAINTIFF | : | (PKC) |
| | : | |
| - against - | : | |
| | : | |
| KALMAN TABAK, ABRAHAM FINKELSTEIN,: | : | |
| Individually and NEW HOPE FUND LLC d/b/a | : | |
| 1195 SHERMAN AVE. LLC d/b/a 1056 | : | |
| BOYNTON AVE. LLC | : | |
| DEFENDANTS. | : | |
| ----- | X | |

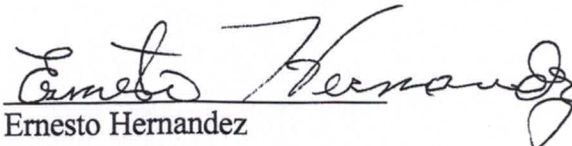
ERNESTO HERNANDEZ being duly sworn, deposes and says:

1. I am the plaintiff in the above referenced matter.
2. On numerous occasions, I have spoken with my attorney, Delmas A. Costin, Jr., and I understand that he calculates that I was underpaid up to \$9,465.21.
3. I also understand that I could receive up \$9,777.45 as liquidated damages due to my employers' failure to pay me my full wages.
4. Based on my attorney's estimates, I understand that the value of this case is up to \$19,242.67.
5. I also understand that the possible settlement amount could be as low as \$0.00. My lawyer informs me this is a very remote possibility.
6. Ultimately, the amount of money that I can receive depends on how the court decides issues and how evidence is viewed by a jury.
7. As a result of the uncertainty, I believe it is in my best interests to settle this case now.

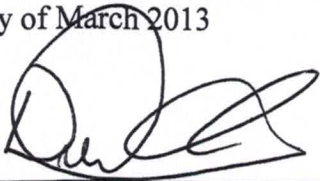
8. Additionally, I want to move to Albany, New York as soon as possible with my wife and begin a new life. I need the proceeds of this case to leave New York City. I do not want to wait any longer and litigate this case. I do not want to take this case to trial. I simply want to leave New York City.
9. It is in my best interests to stop litigating immediately so that I can move forward with my life.
10. I made this decision on my own.
11. I understand that the case is being settled for \$11,000.00, which is less than my lawyer's estimated value of the case.
12. I am willing to forego the full value of the case so that I can use the proceeds of this case and move to Albany as soon as possible.
13. I agreed to pay my attorney 1/3 of the settlement value of this case. I understand that by settling at this time, I reduced my ability to obtain attorney's fees from Defendants. As a result, I am willing to pay my attorney \$3, 666.67 as attorney fees and an additional \$350 for filing fees associated with this complaint. I understand that I will receive a check for \$6,983.33.

14. I ask the court to accept the proposed terms of the settlement agreement and allow
me to move forward with my life.

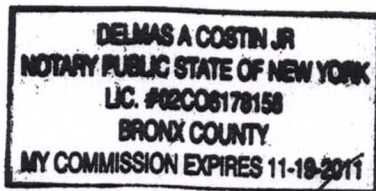
Dated: March 7, 2013
Bronx, NY


Ernesto Hernandez

Sworn to before me on this
7th day of March 2013



Notary Public



2015